

FILED
AUG 12 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CW

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH LOFTON Plaintiff,

vs.

The City of EAST PALO ALTO

Defendant.

CV 08

3853

CASE NO. SC64642A

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

(PR)

E-filing

I, KENNETH LOFTON, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ☐ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: _____ Net: _____

Employer: _____

If the answer is "no," state the date of last employment and the amount of the gross and net salary

and wages per month which you received. (If you are imprisoned, specify the last place of employment prior to imprisonment.)

UNEEMPLOYED

2. Have you received, within the past twelve (12) months, any money from any of the following sources:

- a. Business, Profession or self employment Yes ☐ No ☒
- b. Income from stocks, bonds, or royalties? Yes ☐ No ☒
- c. Rent payments? Yes ☐ No ☒
- d. Pensions, annuities, or life insurance payments? Yes ☐ No ☒
- e. Federal or State welfare payments, Social Security or other government source? Yes ☐ No ☒

If the answer is "yes" to any of the above, describe each source of money and state the amount received from each.

3. Are you married? Yes ☐ No ☒

Spouse's Full Name: _____

Spouse's Place of Employment: _____

Spouse's Monthly Salary, Wages or Income:

Gross \$ _____ Net \$ _____

4. a. List amount you contribute to your spouse's support: \$ _____

b. List the persons other than your spouse who are dependent upon you for support

1 and indicate how much you contribute toward their support. (NOTE: For minor
 2 children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).
 3 _____
 4 _____

5 5. Do you own or are you buying a home? Yes ___ No X

6 Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

7 6. Do you own an automobile? Yes ___ No X

8 Make _____ Year _____ Model _____

9 Is it financed? Yes ___ No ___ If so, Total due: \$ _____

10 Monthly Payment: \$ _____

11 7. Do you have a bank account? Yes ___ No X (Do not include account numbers.)

12 Name(s) and address(es) of bank: _____
 13 _____

14 Present balance(s): \$ _____

15 Do you own any cash? Yes ___ No X Amount: \$ _____

16 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
 17 market value.) Yes ___ No X
 18 _____

19 8. What are your monthly expenses?

20 Rent: \$ NONE Utilities: NONE

21 Food: \$ NONE Clothing: NONE

22 Charge Accounts:

| 23 Name of Account | Monthly Payment | Total Owed on This Acct. |
|--------------------|-----------------|--------------------------|
| 24 <u>N/A</u> | \$ _____ | \$ _____ |
| 25 _____ | \$ _____ | \$ _____ |
| 26 _____ | \$ _____ | \$ _____ |

27 9. Do you have any other debts? (List current obligations, indicating amounts and to whom
 28 they are payable. Do not include account numbers.)

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NONE

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes ___ No X

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

7/3/08

DATE

* Kenneth Lefton
SIGNATURE OF APPLICANT

Case Number: *SC67642A

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of KENNETH LOFTON for the last six months at

[prisoner name]

McGUIRE CORRECTIONAL FACILITY where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 15.00 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 20.00.

Dated: 7/3/08

* P. Paudyal #783 Deputy

[Authorized officer of the institution]

Case 4:08-cv-03853-CW
MAGUIRE CORRECTIONAL FACILITY
INMATE CASH HISTORY

Document 2

Filed 08/12/2008

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9871

11:01:03 03 Jun 2008

ID NUMBER: 86970

INMATE: LOFTON, KENNETH

| DATE | TIME | RECEIPT | DEPOSIT OR <WITHDRAW> | BALANCE | AUTHORIZATION |
|-----------|-------|---------|--------------------------|---------|---|
| 25 Aug 07 | 00:43 | 1637546 | 0.00 | 0.00 | SH/NEW |
| 07 Sep 07 | 02:51 | 1499999 | 15.00 | 15.00 | MO # R1006597249 02 |
| 12 Sep 07 | 06:21 | 2261285 | <13.10> | 1.90 | COMMISSARY |
| 21 Sep 07 | 07:55 | 1401602 | 20.00 | 21.90 | VIC |
| 23 Sep 07 | 06:12 | 1401783 | 15.00 | 36.90 | MO 10065972644 |
| 26 Sep 07 | 05:57 | 2262231 | <22.80> | 14.10 | COMMISSARY |
| 27 Sep 07 | 13:49 | 2175027 | <5.40> | 8.70 | COMMISSARY |
| 03 Oct 07 | 05:52 | 2175367 | <7.70> | 1.00 | COMMISSARY |
| 14 Oct 07 | 08:41 | 1404041 | 20.00 | 21.00 | CH/MO# R10085703 1210 |
| 17 Oct 07 | 06:10 | 2263938 | <11.00> | 10.00 | COMMISSARY |
| 21 Oct 07 | 20:38 | 1404900 | 10.00 | 20.00 | CO: ERIC N. |
| 24 Oct 07 | 06:20 | 2176686 | <20.00> | 0.00 | COMMISSARY |
| 11 Nov 07 | 12:11 | 1407079 | 10.00 | 10.00 | DN/FRANCIS |
| 14 Nov 07 | 07:21 | 2178422 | <10.00> | 0.00 | COMMISSARY |
| 18 Nov 07 | 13:53 | 1407808 | 20.00 | 20.00 | VICTOR |
| 20 Nov 07 | 15:58 | 2178877 | <19.80> | 0.20 | COMMISSARY |
| 01 Dec 07 | 20:52 | 1409121 | 10.00 | 10.20 | FRANCES |
| 05 Dec 07 | 06:07 | 2018092 | <9.30> | 0.90 | COMMISSARY |
| 06 Dec 07 | 07:50 | 1409612 | 15.00 | 15.90 | JOHNATHAN |
| 07 Dec 07 | 06:04 | 2179999 | <8.70> | 7.20 | COMMISSARY |
| 12 Dec 07 | 06:43 | 2267692 | <7.10> | 0.10 | COMMISSARY |
| 12 Dec 07 | 15:26 | 1410292 | 16.00 | 16.10 | DN/ROBERTO HERRE RA |
| 14 Dec 07 | 06:11 | 2267932 | <16.00> | 0.10 | COMMISSARY |
| 16 Dec 07 | 16:41 | 1410726 | 20.00 | 20.10 | M.O. R1010440322 54 |
| 19 Dec 07 | 06:51 | 2268373 | <17.00> | 3.10 | COMMISSARY |
| 21 Dec 07 | 07:19 | 1411210 | 15.00 | 18.10 | DN/MO#R101044032 683 NORA LOFTON |
| 21 Dec 07 | 09:41 | 2268573 | <2.90> | 15.20 | COMMISSARY |
| 26 Dec 07 | 06:16 | 2268650 | <12.50> | 2.70 | COMMISSARY |
| 28 Dec 07 | 06:19 | 2181552 | <2.50> | 0.20 | COMMISSARY |
| 30 Dec 07 | 20:03 | 1412255 | 10.00 | 10.20 | CO: CHRIS |
| 02 Jan 08 | 06:31 | 2181835 | <9.80> | 0.40 | COMMISSARY |
| 08 Jan 08 | 11:07 | 1413010 | 20.00 | 20.40 | VICK |
| 10 Jan 08 | 11:13 | 2182414 | <17.30> | 3.10 | COMMISSARY |
| 16 Jan 08 | 07:00 | 1413786 | 15.00 | 18.10 | MO# R10104403464 1 NORA LOFTON / TL |
| 17 Jan 08 | 15:14 | 1413921 | 20.00 | 38.10 | CH/FROM GARRON |
| 18 Jan 08 | 06:22 | 2270727 | <4.10> | 34.00 | COMMISSARY |
| 23 Jan 08 | 06:27 | 2183144 | <24.80> | 9.20 | COMMISSARY |
| 24 Jan 08 | 10:19 | 2183418 | <5.60> | 3.60 | COMMISSARY |
| 29 Jan 08 | 07:09 | 1415022 | 15.00 | 18.60 | DN/MO#R101044035 356 NORA LOFTON |
| 30 Jan 08 | 06:29 | 2018413 | <18.10> | 0.50 | COMMISSARY |

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| | | |
|-------------------------|---------|--|
| 08 Feb 08 13:53 1416090 | 20.00 | 20.50 ARTIE /TL |
| 10 Feb 08 20:09 1416384 | 30.00 | 50.50 CO: CARRELL |
| 13 Feb 08 06:43 2272124 | <29.10> | 21.40 COMMISSARY |
| 15 Feb 08 06:36 2185262 | <21.10> | 0.30 COMMISSARY |
| 15 Feb 08 21:05 1416870 | 20.00 | 20.30 CO: LARONE |
| 20 Feb 08 07:03 2272634 | <19.90> | 0.40 COMMISSARY |
| 23 Feb 08 06:33 1417643 | 20.00 | 20.40 MO 10104403697 |
| 27 Feb 08 06:38 2186073 | <20.10> | 0.30 COMMISSARY |
| 05 Mar 08 07:04 1418806 | 20.00 | 20.30 DN/MO#9341573194 1080222710390 M ARY |
| 07 Mar 08 06:52 2274174 | <20.10> | 0.20 COMMISSARY |
| 07 Mar 08 13:31 1419050 | 20.00 | 20.20 VIC |
| 11 Mar 08 13:36 1419450 | 20.00 | 40.20 DN/GARY |
| 12 Mar 08 05:56 2274509 | <38.20> | 2.00 COMMISSARY |
| 14 Mar 08 05:43 2187343 | <2.00> | 0.00 COMMISSARY |
| 17 Mar 08 10:21 1420115 | 20.00 | 20.00 SS/NEPHEW |
| 17 Mar 08 10:42 1420119 | 40.00 | 60.00 SS/MARKETA |
| 19 Mar 08 05:48 2019208 | <52.60> | 7.40 COMMISSARY |
| 21 Mar 08 05:47 2019279 | <7.40> | 0.00 COMMISSARY |
| 25 Mar 08 12:26 1420983 | 20.00 | 20.00 EG/FROM MARKETA |
| 27 Mar 08 14:20 1421219 | 20.00 | 40.00 RS/PAT |
| 28 Mar 08 05:55 2188460 | <39.80> | 0.20 COMMISSARY |
| 01 Apr 08 13:09 1421786 | 20.00 | 20.20 SS/LAMONT |
| 01 Apr 08 14:27 1421801 | 20.00 | 40.20 YOPIMP |
| 02 Apr 08 05:51 2019427 | <38.70> | 1.50 COMMISSARY |
| 03 Apr 08 13:22 1422021 | 20.00 | 21.50 DN/MARKETA |
| 04 Apr 08 06:15 2276386 | <21.50> | 0.00 COMMISSARY |
| 11 Apr 08 06:51 1422903 | 20.00 | 20.00 DN/MO#R200730350 689 NORA LOFTON |
| 16 Apr 08 05:48 2019699 | <19.90> | 0.10 COMMISSARY |
| 17 May 08 06:44 1426853 | 20.00 | 20.10 RS/MO 9341573523 6 |
| 21 May 08 06:10 2193324 | <20.00> | 0.10 COMMISSARY |
| 31 May 08 10:52 1428299 | 20.00 | 20.10 DESANTIS/VCC |